



General Assembly

February Session, 2004

Amendment

LCO No. 4669

HB0560804669HDO

Offered by:

REP. WIDLITZ, 98th Dist.

To: House Bill No. 5608

File No. 494

Cal. No. 340

***"AN ACT CONCERNING FUNDING TO MUNICIPALITIES FOR
CLEAN WATER PROJECTS."***

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 22a-368a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2004*):

5 (a) The Commissioner of Environmental Protection shall publish a
6 dated notice of (1) the availability of [a form] forms for the reporting of
7 operating data for diversions pursuant to this section, and (2) a
8 deadline for submission of such [form] forms. Such [form] forms shall
9 be developed [by the Commissioner of Environmental Protection, in
10 consultation with the Commissioners of Public Health and Agriculture
11 and the chairperson of the Public Utilities Control Authority] pursuant
12 to subsection (b) of this section.

13 (b) Any person or municipality maintaining a diversion that was
14 registered in accordance with the provisions of section 22a-368 and

15 which continues to be in use as of July 1, 2001, shall report to the
16 Commissioner of Environmental Protection current operating data for
17 such diversion not later than six months after the publication of notice
18 pursuant to subsection (a) of this section and annually thereafter not
19 later than January thirty-first. Such data shall be provided on [a form]
20 forms developed by the Commissioner of Environmental Protection, in
21 consultation with the Commissioners of Public Health, Public Utility
22 Control and Agriculture and the working group established pursuant
23 to subsection (f) of this section. Such forms shall be in a format
24 determined by the Commissioner of Environmental Protection. Such
25 data shall include [monthly data for the calendar years 1997 to 2001,
26 inclusive, (1) for the actual frequency and actual rate] the most detailed
27 available monitoring data collected for each subsequent calendar year,
28 provided such data shall not be required to be detailed more
29 frequently than daily. Reported quantities shall be actual totals of
30 water withdrawals or discharges of such diversion if such diversion is
31 metered, [, or (2) that estimates the] Engineering estimates of
32 withdrawals or discharges may be permitted in the absence of a meter.
33 A person or municipality maintaining a diversion exclusively for
34 agricultural purposes may report estimated water use for the reporting
35 period. The provisions of this subsection shall not apply to an owner
36 or operator of an existing electric generating facility utilizing fossil
37 fuel, provided the diversion is used to comply with state and federal
38 environmental laws, and further provided such owner or operator
39 reports to the Commissioner of Environmental Protection an estimate
40 of future water use necessary to comply with state and federal
41 environmental laws.

42 (c) Any person or municipality maintaining a diversion that was
43 eligible for registration in accordance with section 22a-368 but failed to
44 so register, which diversion continues to be in use as of July 1, 2001,
45 shall report to the commissioner the operating data for such diversion
46 not later than six months after the publication of notice pursuant to
47 subsection (a) of this section. Such data shall be provided on a form
48 developed by the Commissioner of Environmental Protection, in

49 consultation with the Commissioners of Public Health, Public Utility
50 Control and Agriculture. Such data shall include (1) the location,
51 capacity, frequency and rate of withdrawals or discharges of such
52 diversion as of July 1, 1982, (2) a description of the water use and water
53 system on or before July 1, 1982, including information to evidence its
54 operation at that time, and (3) the monthly data for the calendar years
55 1997 to 2001, inclusive, (A) for the actual frequency and actual rate of
56 water withdrawals or discharges of such diversion if such diversion is
57 metered, or (B) that estimates the withdrawals or discharges in the
58 absence of a meter. A person or municipality maintaining a diversion
59 exclusively for agricultural purposes may report estimated water use
60 for the reporting period in subdivision (3) of this subsection.

61 (d) Any person or municipality maintaining a diversion that was
62 not eligible for registration in accordance with section 22a-368 and is
63 not currently authorized by permit issued by the commissioner
64 pursuant to said section, which diversion is in use as of July 1, 2001,
65 shall report to the Commissioner of Environmental Protection
66 operating data for the diversion not later than six months after the
67 publication of notice pursuant to subsection (a) of this section. Such
68 data shall be provided on a form developed by the Commissioner of
69 Environmental Protection, in consultation with the Commissioners of
70 Public Health, Public Utility Control and Agriculture. Such data shall
71 include (1) information as to when the diversion was initiated, (2) a
72 description of the water use and water system operation, and (3) the
73 monthly data for the calendar years 1997 to 2001, inclusive, (A) for the
74 location, capacity, actual frequency and actual rate of water
75 withdrawals or discharges of said diversion if such diversion is
76 metered, or (B) that estimates the withdrawals or discharges in the
77 absence of a meter. A person or municipality maintaining a diversion
78 used exclusively for agricultural purposes may report estimated water
79 use for the reporting period in subdivision (3) of this subsection.

80 (e) Information reported by a person or municipality for the
81 purposes of subsection (c) or (d) of this section shall not be used by the
82 Commissioner of Environmental Protection to order the payment of

83 civil penalties pursuant to section 22a-6b and subsection (b) of section
84 22a-376 provided the person or municipality has filed a permit
85 application pursuant to section 22a-368 on or before July 1, 2003. This
86 subsection shall not apply to any information the commissioner can
87 document independent of a submission pursuant to this section.
88 Failure to report the information required in this section may result in
89 civil penalties in accordance with section 22a-6b and subsection (b) of
90 section 22a-376.

91 (f) The Water Planning Council shall appoint at least five persons
92 who are required to register diversions pursuant to this section to a
93 working group for the purpose of developing forms pursuant to
94 subsection (b) of this section. Such members shall serve at the pleasure
95 of the council."